



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JMM:SK
F. #2013R00948

610 Federal Plaza
Central Islip, New York 11722

October 2, 2014

By FedEx & ECF

Richard D. Haley, Esq.
One Suffolk Square
1601 Veterans Memorial Highway
Suite 425
Islandia, NY 11749

Joseph Conway, Esq.
LaRusso & Conway
300 Old Country Road, Suite 341
Mineola, NY 11501

Re: United States v. Philip Kenner & Tommy C. Constantine
Criminal Docket No. 13-607 (JFB)

Dear Counsel:

The government writes to address certain requests regarding discovery in this matter.

At Kenner's request, the government identified several documents containing forged signatures (bates-numbered DOC 1-14). Kenner has requested an opportunity to review the original versions of these documents. The government has conducted a search of its records and notes that its own versions of the foregoing documents are duplicates, identical to the copies provided to the defense. The government will make its own versions of DOC 1-14 available for inspection at the next status conference in this matter. Kenner has also requested a copy of any expert report pertaining to the authenticity of the signatures on the foregoing documents. At this time, the government does not have any such report in its possession. The government expects to establish that the foregoing documents contain forged signatures through the witness testimony of the purported signatories. The government will identify additional documents containing forged signatures as they become known and available.

Kenner notes that the records produced as HARVEY DISK 1-4 do not include the banking records of LOR Management S.A de C.V, Porpiedades de DDM S.A. de C.V, or LMJ Management, LLC, and suggests that the foregoing banking records were overlooked in the copying process. The government has conducted further investigation and notes that the foregoing banking records were not overlooked in the copying process and were not provided to the government by legal counsel for Kenneth Jowdy. The government also notes, for the defense's convenience, that banking records related to LMJ Management were provided to the defense as BNK-TD 1410-1578.

Finally, enclosed please find additional discovery provided by the government in accordance with Rule 16 of the Federal Rules of Criminal Procedure, consisting of documents provided by Kenner to John Doe 14 (bates-numbered ED 2617-3237).

The government will continue to provide discovery. Please contact me or AUSA James Miskiewicz if you have any questions or requests.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/Saritha Komatireddy
Saritha Komatireddy
James M. Miskiewicz
Assistant U.S. Attorneys
(631) 715-7825/7841

Enclosures

cc: Clerk of the Court (JFB) (by ECF) (without enclosures)